

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID SPEISER, Individually and on Behalf )  
of All Others Similarly Situated, )

Plaintiff, )

vs. )

BLUE APRON HOLDINGS, INC., )  
MATTHEW B. SALZBERG, ILIA M. )  
PAPAS, MATTHEW J. WADIAK, JARED )  
CLUFF, PABLO CUSSATTI, BENJAMIN C. )  
SINGER, JULIE M.B. BRADLEY, TRACY )  
BRITT COOL, KENNETH A. FOX, ROBERT )  
P. GOODMAN, GARY R. HIRSHBERG, )  
BRIAN P. KELLEY, and BRADLEY J. )  
DICKERSON, )

Defendants. )

Case No. 1:17-cv-06517

CLASS ACTION

<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  <b>DOC #:</b> _____  <b>DATE FILED:</b> <u>9/14/17</u></p>
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**JOINT STIPULATION AND MOTION OF ALL PARTIES REGARDING  
SERVICE, SCHEDULING AND PLEADING**

All parties, by and through their attorneys, hereby stipulate, subject to Court approval, as follows:

**WHEREAS**, on August 25, 2017, David Speiser, individually and on behalf of all others similarly situated ("Plaintiff"), filed a class action complaint captioned *Speiser v. Blue Apron Holdings, Inc. et al.* (the "Complaint");

**WHEREAS**, this putative class action asserts federal securities claims arising under the Securities Act of 1933, and therefore is governed by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"). *See* 15 U.S.C. §77z-1 *et seq.*;

**WHEREAS**, the PSLRA provides for consolidation of any related actions and then the appointment of a lead plaintiff and lead counsel, after a 60-day notice period expires following

the publication of notice of the filing of an initial securities class action. *See* 15 U.S.C. §77z-1(a)(3);

**WHEREAS**, counsel for Plaintiff in the earlier filed action *Nurlybayev v. Blue Apron Holdings, Inc. et al.*, 1:17-cv-04846 (E.D.N.Y.) (the “*Nurlybayev* Action”), alleging substantially similar claims against an overlapping set of defendants, published notice of the *Nurlybayev* Action on August 21, 2017;

**WHEREAS**, motions for the appointment as lead plaintiff and for approval of the lead plaintiff’s selection of lead counsel are due on October 16, 2017;

**WHEREAS**, lead plaintiff and lead counsel will not be appointed until weeks following the completion of briefing on any lead plaintiff motions, and accordingly it is unclear at this time who will ultimately have the authority to act on behalf of the putative class, and whether the court-appointed lead plaintiff will file a consolidated or amended complaint, or stand on the existing complaint filed herein; and

**WHEREAS**, no Party has previously requested or received time for an extension to answer or otherwise plead to the complaint in the above-captioned action;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for Plaintiff and Defendants, that:

1. Defendants are not required to respond to Plaintiff’s’ initial Complaint;
2. Upon appointment, the lead plaintiff shall have sixty (60) days to file a consolidated or amended complaint or to deem the initial Complaint filed herein or in another similar action the operative complaint;
3. Defendants shall answer, move against, or otherwise respond to the operative complaint within sixty (60) days after service;
4. Lead plaintiff shall have sixty (60) days thereafter to oppose any motion that may be filed by Defendants;
5. Defendants shall have thirty (30) days after the filing of lead plaintiff’s opposition papers to file their reply; and

6. Nothing herein shall impact any other rights of any party, including Defendants' right to seek transfer of this case.<sup>1</sup>

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<sup>1</sup> Nearly identical class actions are pending in multiple jurisdictions. Defendants reserve the right to seek the transfer of one or more cases in order to facilitate consolidation.

IT IS SO STIPULATED.

DATED: September 13, 2017

DEFENDANTS

By their counsel,


  
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*Attorneys for Plaintiff*

SO ORDERED this 14<sup>th</sup> day of September 15, 2017

Louis L. Stanton

Louis L. Stanton  
United States District Judge

*rm*